



INDEPENDENT NOMINATING PETITIONS 2007

**Monroe County Board of Elections
39 West Main St., Rochester, New York 14614-1490
753-1550 (TTY# 753-1544)**

**Peter M. Quinn
Commissioner of Elections**

**Thomas F. Ferrarese
Commissioner of Elections**

**Douglas E. French
Deputy Commissioner**

**Sheila M. Fleischauer
Deputy Commissioner**

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***DISCLAIMER:** New York State Election Law is subject to court cases that the New York State Board of Elections is a party to or made aware of.

Note:Please remember that the candidate is responsible for the timely filing of the correct forms. The following information is provided to be helpful, but in no way replaces the requirements of the New York State Election Law, Article 6:Designation and Nomination of Candidates.

Sample petitions are available at the Monroe County Board of Elections.

Questions may be directed to the following numbers:

| | |
|--------------------------|----------|
| -Democratic Office..... | 753-1529 |
| -Republican Office | 753-1516 |

For information on required filing of financial expenditure statements contact Deputy Commissioner Sheila Fleischauer, 753-1524.

CALENDAR

| | |
|------------|---|
| JULY 10 | FIRST DAY FOR SIGNING INDEPENDENT NOMINATING PETITIONS |
| AUG. 14-21 | DATES FOR FILING INDEPENDENT NOMINATING PETITIONS |
| AUG. 24 | LAST DAY TO ACCEPT OR DECLINE AN INDEPENDENT NOMINATION |
| AUG. 27 | LAST DAY TO FILL VACANCY AFTER DECLINATION |
| SEPT. 21 | LAST DAY TO DECLINE, AFTER ACCEPTANCE, IF INDEPENDENT NOMINEE LOSES PARTY PRIMARY |

GENERAL ELECTION:NOVEMBER 6th
6:00 A.M. TO 9:00 P.M.

2007 SIGNATURE REQUIREMENTS

INDEPENDENT PETITIONS

6-142 NYS ELECTION LAW

| <u>OFFICE</u> | <u>Signatures Required</u> |
|----------------------------|---------------------------------------|
| COUNTY WIDE OFFICES | |
| County Executive | 1500 |
| Family Court Judge | 1500 |
| District Attorney | 1500 |
| COUNTY LEGISLATURE | |
| 1st District - 4YR Term | 433 |
| 5th District - 4YR Term | 436 |
| 6th District - 4YR Term | 376 |
| 8th District - 4YR Term | 517 |
| 9th District - 4YR Term | 517 |
| 10th District - 4YR Term | 497 |
| 11th District - 4YR Term | 481 |
| 12th District - 4YR Term | 524 |
| 15th District - 4YR Term | 511 |
| 16th District - 4YR Term | 510 |
| 17th District - 4YR Term | 407 |
| 22nd District - 4YR Term | 118 |
| 26th District - 4YR Term | 286 |
| 27th District - 4YR Term | 267 |
| CITY OF ROCHESTER | |
| City Court Judge | 1500 |
| City Council - E | 713 |
| City Council - NE | 333 |
| City Council - NW | 437 |
| City Council - S | 517 |
| Commissioner of Schools(4) | 1500 |

2007 SIGNATURE REQUIREMENTS

INDEPENDENT PETITIONS

6-142 NYS ELECTION LAW

| TOWN OFFICES | Signatures Required |
|-------------------------|--------------------------------|
| Brighton | 708 |
| Chili | 510 |
| Clarkson | 99 |
| East Rochester | 93 |
| Gates | 447 |
| Greece | 1500 |
| Greece Council - Ward 1 | 385 |
| Greece Council - Ward 2 | 401 |
| Greece Council - Ward 3 | 367 |
| Greece Council - Ward 4 | 417 |
| Hamlin | 133 |
| Henrietta | 554 |
| Irondequoit | 968 |
| Mendon | 188 |
| Ogden | 338 |
| Parma | 258 |
| Penfield | 708 |
| Perinton | 993 |
| Pittsford | 615 |
| Riga | 109 |
| Rush | 79 |
| Sweden | 176 |
| Webster | 782 |
| Wheatland | 93 |
| VILLAGES | |
| Fairport | 115 |

As of 06/13/2007

Section 6-134.Designating petition;rules.

1. A designating petition may designate candidates for nomination for one or more public offices or for nomination for election to one or more party positions or both, but designations or nominations for which the petitions are required to be filed in different offices may not be combined in the same petition. If two or more offices having the same title are to be filled for different terms, the terms of office shall be included as part of the title of the office.
2. Sheets of a designating petition shall be delivered to the board of elections in a manner prescribed by regulations that shall be promulgated by the state board of elections, provided, however, that the sheets of any volume of a petition shall be numbered. Such regulations shall be no more restrictive than is reasonably necessary for the processing of such petitions by the board of elections. Such regulations shall be binding on the board of elections in each county and in the city of New York. When a determination is made that a designating petition does not comply with such regulations, the candidate shall have three business days from the date of such determination to cure the violation.
3. If a voter shall sign any petition or petitions designating a greater number of candidates for public office or party position than the number of persons to be elected thereto his signatures, if they bear the same date, shall not be counted upon any petition, and if they bear different dates shall be counted in the order of their priority of date, for only so many designees as there are persons to be elected.
4. A signature made earlier than thirty-seven days before the last day to file designating petitions for the primary election shall not be counted.
5. The use of titles, initials or customary abbreviations of given names by the signers of, or witnesses to, designating petitions or the use of customary abbreviations of addresses of such signers or witnesses, shall not invalidate such signatures or witness statement provided that the identity of the signer or witness as a registered voter can be established by reference to the signature on the petition and that of a person whose name appears in the registration poll ledgers.
6. An alteration or correction of information appearing on a signature line, other than the signature itself and the date, shall not invalidate such signature.
7. A signer need only place his signature upon the petition, and need not himself fill in the other required information.

8. Notwithstanding any other provision of this chapter, the failure to list a committee to fill vacancies or the failure to list at least three eligible voters as a committee to fill vacancies shall not invalidate the petition unless a vacancy occurs which, under law, may be filled only by such a committee.
9. A person other than the subscribing witness may insert the information required by the subscribing witness statement, provided that all subscribing witness information required above the subscribing witness' signature is inserted either before such subscribing witness signs the statement or in the presence of such subscribing witness.
10. The provisions of this section shall be liberally construed, not inconsistent with substantial compliance thereto and the prevention of fraud.
11. If the number of signatures on any petition sheet is understated in the witness statement, such petition sheet shall not be invalid solely because of such understatement, but such petition sheet will be deemed to contain the number of signatures indicated on such witness statement and the signatures at the end of such petition sheet that are in excess of the number so indicated shall be deemed not to have been filed.
12. A signature on a petition sheet shall not be deemed invalid solely because the address provided is the post office address of the signer provided that proof that such address is the accepted address of such signer is provided to the board of elections no later than three days following the receipt of specific objections to such signature.
13. In addition to the requirement for the signature, the printed name of the signer may be added, provided that the failure to provide a place to print the name or failure to print a name if a space is provided shall not invalidate the signature or petition.

Section 6-138. Independent nominations;rules.

1. Independent nominations for public office shall be made by a petition containing the signatures of registered voters of the political unit for which a nomination is made who are registered to vote. The name of a person signing such a petition for an election for which voters are required to be registered shall not be counted if the name of a person who has signed such a petition appears upon another valid and effective petition designating or nominating the same or a different person for the same office.
2. Except as otherwise provided herein, the form of, and the rules for a nominating petition shall conform to the rules and requirements for designating petitions contained in this article.

- 3.a. The name selected for the independent body making the nomination shall be in English characters and shall not include the name or part of the name or an abbreviation of the name or part of the name, nor shall the emblem or name be of such a configuration as to create the possibility of confusion with the emblem or name of a then existing party, or the emblem or name of an independent body selected by a previously filed independent nominating petition for the same office.
- b. Notwithstanding the requirements of paragraph a of this subdivision, if the emblem or name selected for an independent body on any independent nominating petition is the same as that selected by any previously filed independent nominating petition for the same office, the board of elections with which such later petition was filed shall, not later than two days after the filing of such later filed petition, send notice of such duplicate selection of emblem or name by first-class mail, to the candidate for such office who was nominated by such later filed petition, and that the candidate to whom such notice is required to be sent may file with such board of election, not later than seven days after such notice was mailed, a certificate selecting a different emblem or name.
- c. & d. (Not applicable – Presidential Election only.)
- e. If any candidate has been nominated for any other office by a petition which selected the same name or emblem for an independent body as the name or emblem selected on the petition which nominated a candidate for President of the United States who has filed a special certificate pursuant to paragraph c of this subdivision, the board of elections with which the petition nominating such candidate for such other office was filed shall, not later than ten days after the last day to file nominating petitions, send to each such candidate, by first-class mail, notice that a special certificate pursuant to paragraph c of this subdivision has been filed and that the candidate to whom such notice is sent may file with such board of elections, not later than seven days after such notice was mailed, a certificate selecting a different name and emblem.
- f. If such a petition shall not show an emblem, or if the petition shall fail to select a name for such independent body, or if pursuant to the provisions of paragraph b or paragraph e of this subdivision, a candidate shall fail to select another emblem or name for such independent body, the officer or board in whose office the petition is filed shall select an emblem or name or both to distinguish the candidates nominated thereby. The name and emblem shown upon such petition or selected by a candidate authorized to make such selection by paragraph b or paragraph e of this subdivision, or selected by an officer or board shall also conform to the requirements of this chapter with respect to names or emblems permitted to be selected by a party.
- g. Nothing contained in this subdivision shall preclude a court of competent jurisdiction from rejecting an independent nominating petition if the court determines that fraud was involved in the selection of a name or emblem.

4. A signature made earlier than six weeks prior to the last day to file independent petitions shall not be counted. A signature on an independent petition for a special election made earlier than the date of the proclamation calling the special election shall not be counted.

Section 6-140. Independent nominations; form of petition

- 1.a. Each sheet of an independent nominating petition shall be signed in ink, shall contain the following information and shall be in substantially the following form:

I, the undersigned, do hereby state that I am a registered voter of the political unit for which a nomination for public office is hereby being made, that my present place of residence is truly stated opposite my signature hereto, and that I do hereby nominate the following named person(or persons) as a candidate(or as candidates) for election to public office(or public offices) to be voted for at the election to be held on theday of, 20.., and that I select the name.....(fill in name) as the name of the independent body making the nomination(or nominations) and(fill in emblem) as the emblem of such body.

Name of
Candidate

Public Office

Place of
residence(also
post office address, if
not identical)

I do hereby appoint..(insert names and addresses of at least three persons, all of whom shall be registered voters within such political unit) as a committee to fill vacancies in accordance with the provisions of the election law.

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

| Date | Name of Signer | Residence | Town or city (except NYC, the county) |
|------|----------------|-----------|--|
|------|----------------|-----------|--|

- b. There shall be appended at the bottom of each sheet a signed statement of a witness who is a duly qualified voter of the state and who also is qualified to sign the petition. (Note: The requirement in the Election Law that a subscribing witness must be a resident of a political subdivision has been ruled unconstitutional. *Lerman v. Board of Elections in the City of New York*, 232 F. 3d 135, 145 (2d Circ. 2000) cert. denied, 535 U.S. 915; see also *LaBrake v. Dukes*, 96 N.Y. 2d 913 (2001) (designating petitions; *Chou v. New York State Board of Elections*, 332 F. Supp. 2d 510 (EDNY 2004) (independent nominating petitions). Such a statement shall be accepted for all purposes as the equivalent of an affidavit, and if it contains a material false

statement, shall subject the person signing it to the same penalties as if he, *or she*, had been duly sworn. The form of such statement shall be substantially as follows:

STATEMENT OF WITNESS

I,....(name of witness) state:I am a duly qualified voter of the State of New York and I am also duly qualified to sign the petition. I now reside at.....(residence address)

Each of the individuals whose names are subscribed to this petition sheet containing(fill in number) signatures, subscribed the same in my presence on the dates above indicated and identified himself to be the individual who signed this sheet.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

Date:.....

.....
Signature of Witness

Witness identification information:

The following information must be completed prior to filing with the board of elections in order for this petition sheet to be valid.

Town or City

County

2. In lieu of the signed statement of a witness who is a duly qualified voter of the state qualified to sign the petition, the following statement signed by a notary public or commissioner of deeds shall be accepted:

On the dates above indicated before me personally came each of the voters whose signatures appear on this petition sheet containing.....(fill in number) signatures, who signed same in my presence and who, being by me duly sworn, each for himself, *or herself*, said that the foregoing statement made and subscribed by him, *or her*, was true.

Date:.....

.....
(Signature and official title of officer administering oath)

3. The state board of elections shall prepare a sample form of an independent nominating petition which meets the requirements of this section and shall distribute or cause such forms to be distributed to each board of elections. Such forms shall be made available to the public, upon request, by the state board of elections and each such board. Any petition that is a copy of such a sample shall be deemed to meet the requirements of form imposed by this section.

Section 6-144.Nominating and designating petitions and certificates; place for filing.

Petitions, certificates and minutes specified in this article shall be filed in the office of the Board of Elections of the county, except as follows: for an office or position to be voted for wholly within the city of New York, in the office of the Board of Elections of that city; for an office or position to be voted for in a district greater than one county, or portions of two or more counties, in the office of the state board of elections; for a village office to be filled in a village election not conducted by the board of elections, in the office of the village clerk. All such petitions and certificates shall at the time of filing thereof be endorsed by such officer or board with the day, hour and minute of such filing. Such officer or board shall keep a book, which shall be open to public inspection in which shall be entered the times of filing all such petitions and certificates; the names and residences of all candidates named therein; the names and residences of all candidates certified to such officer or board; the title of the office or party position; the name of the party or independent body to which the petition or certificate relates and a memorandum of any objections to such petition or certificate. Forthwith upon the filing of a petition or certificate designating or nominating a person or persons for public office, such officer or board shall mail notice thereof to each such person. Such notice shall also state the last day to decline such designation or nomination, and include a statement that the candidate's name shall appear on the ballot as it appears in such notice.

Section 6-154.Nominations and designations; objections to.

1. Any petition filed with the officer or board charged with the duty of receiving it shall be presumptively valid if it is in proper form and appears to bear the requisite number of signatures, authenticated in a manner prescribed by this chapter.
2. Written objections to any certificate of designation or nomination or to a nominating or designating petition or a petition for opportunity to ballot for public office or to a certificate of acceptance, a certificate of authorization, a certificate of declination or a certificate of substitution relating thereto may be filed by any voter registered to vote for such public office and to a designating petition or a petition for opportunity to ballot for party position or a certificate of substitution, a certificate of acceptance or a certificate of declination relating thereto by any voter enrolled to vote for such party position. Such objections shall be filed with the officer or board with whom the original petition or certificate is filed within three days after the filing of the petition or certificate to which objection is made, or within three days after the last day to file such a certificate, if no such certificate is filed except that if any person nominated by an independent nominating petition, is nominated as a party candidate for the same office by a party certificate filed, or a party nomination made after the filing of such petition, the written objection to such petition may be filed within three days after the filing of such party certificate or the making of such party nomination. When such an objection is filed,

specifications of the grounds of the objections shall be filed within six days thereafter with the same office or board and if specifications are not timely filed, the objection shall be null and void. Each such officer or board is hereby empowered to make rules in reference to the filing and disposition of such petition, certificate, objections and specifications.

3. When a determination is made that a certificate or petition is insufficient, such officer or board shall give notice of the determination forthwith by mail to each candidate named in the petition or certificate, and, if the determination is made upon specified objections, the objector shall be notified.

RULES AND REGULATIONS OF STATE BOARD OF ELECTIONS

Title 9 of The Official Compilation
Of Codes, Rules and Regulations of
The State of New York

Section 6215.1. Rules for filing designating and nominating petitions.

- (a) The sheets of a petition shall be numbered sequentially at the foot of each sheet.
- (b) All petitions containing ten or more sheets shall be accompanied by a cover sheet.
- (c) Any two or more petition sheets shall be securely fastened together by any means which will hold the pages together in numerical order.
- (d) Petition sheets may be fastened together to form one or more volumes.

Section 6215.7. Determinations;cures pursuant to Section 6-134(2) of the Election Law.

- (a) Within two(2) business days of the receipt of the petition, the Board with whom such petition was filed shall review the petition to determine whether the petition complies with the cover sheet and binding requirements of these regulations. Such review shall be limited to matters apparent on the face of the documents. Such review, and such determination, shall be without prejudice to the determination by the Board of objections and specifications of objections filed pursuant to the provisions of the Election Law.
- (b) In the event that, upon the review conducted pursuant to subdivision (a) above, the Board determines that a petition does not comply with these regulations, the Board shall forthwith notify the candidate or candidates named on the petition of its determination and the reasons therefor.
- (c) Notification of a determination of noncompliance shall be given by written notice by depositing such notice on the day of such determination with an overnight delivery service, for overnight delivery, on the next business day, or by personal delivery by the day after determination to the candidate or the contact person, if designated, at the address stated on the petition. Notification shall be given by overnight delivery or personal delivery only, unless the candidate shall have filed with the Board written authorization, signed by the candidate, for the Board to give notification by facsimile transmission. In the event that the candidate shall have authorized notification by facsimile transmission, then the Board shall notify the candidate or the contact person, if designated, by facsimile transmission on the day of the determination to the number set forth by the candidate and shall, in addition, mail a copy of the determination to the candidate.
- (d) A candidate may, within three(3) business days of the date of determination that the petition does not comply with these regulations, cure the violation of these regulations. Cover sheet deficiencies may be corrected by the filing of an amended cover sheet. Such cure or correction must be received by the Board of Elections no later than the third business day following such determination.
- (e) If the petition is one for an opportunity to ballot, then the first named person on the committee to receive notices or applicant(s) for the identification number or numbers under which the petition was filed shall be deemed to be the "candidate" for purposes of subparagraphs (b), (c), and (d) of this section.

Section 6215.8. Form of Cover Sheet

- (a) Cover sheets shall be substantially in the form set forth below.
- (b) Cover sheet for designating and independent petition.

[Place Name of Party or Independent Body Here]

| Name of Candidate | Residence Address (Also mailing address if different) | Public Office Or Party Position And District Number (If Applicable) |
|-------------------|--|--|
|-------------------|--|--|

Volume Number: _____

Total Number of
Volumes in Petition: _____

The petition contains the number, or in excess of the number, of valid signatures, required by the Election Law.

Contact Person to Correct Deficiencies

Name: _____
(Please Print)

Residence Address: _____
(Also mailing address if different)

Phone: _____ Fax: _____
(Include if notice by fax desired)

I hereby authorize that notice of any determination made by the Board of Elections be transmitted to the person named above:

(Candidate or Contact Agent)